

Application No. 10/815,993
Amendment Dated November 27, 2006
Reply to Office Action of July 26, 2006

REMARKS/ARGUMENTS:

Claims 1, 3 – 11, 13 – 21 and 23 – 31 are pending in the application, with claims 1, 11, 16, 20 and 27 being independent. Claims 1, 3, 5 and 11 are currently amended. Claims 30 and 31 are newly added. No new matter is added.

Applicants have carefully considered the contents of the Office Action and respectfully request reconsideration and reexamination of the subject application in view of the explanations noted below.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 3 – 4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,413,505 to Kilduff et al. (the Kilduff '505 patent).

Applicants respectfully traverse this rejection, since the Kilduff '505 patent clearly does not disclose, teach or render obvious a wall integrally formed with a housing and a tongue integrally formed as a one piece extension of the wall engaging a loop of a suspension cable.

The Kilduff '505 patent discloses a lighting fixture, as shown in FIG. 9, suspended by a cable 23. A housing 1 supports a first lamp 6, as shown in FIG. 1. A reflector 2 is connected to the housing 1, and has apertures 10 for receiving lamp sockets 6, as shown in FIG. 12. A reinforcing plate 21 has a pair of ears 22 that project upwardly through apertures in the chassis 1, as shown in FIGS. 9 and 11. The reinforcing plate 21 is generally U-shaped and received by spot welding or other means to the side and top walls of the end sections of the housing 1. One end of a suspension cable 23 is connected to an ear 22 to support the fixture.

The Kilduff '505 patent does not disclose or suggest securing a wall integrally formed with a housing and a tongue integrally formed as a one piece extension of the wall engaging a loop of a suspension cable, as recited in independent claim 1. As noted above, the reinforcing plate 21 (alleged to correspond to the wall of claim 1) of the Kilduff '505 patent is secured to the housing 1 by welding or other suitable means. Thus, the reinforcing plate 21 is not integrally formed with the housing 1. Furthermore, the reinforcing plates 21 are designed to be received by and to reinforce the housing 1. Col. 4, lines 38 – 47. Thus, it

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would also not be obvious to modify the housing 1 of the Kilduff '505 patent, because the reinforcing plates 21 are not intended to be integrally formed with the housing.

Thus, the Kilduff '505 patent does not disclose or suggest securing a wall integrally formed with a housing and a tongue integrally formed as a one piece extension of the wall for receiving a loop of a suspension cable, as recited in independent claim 1. Lacking elements recited in independent claim 1, the Kilduff '505 patent does not anticipate claim 1 because a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Therefore, the Kilduff '505 patent does not anticipate or render obvious independent claim 1.

Claims 3, 4 and 7, being dependent upon independent claim 1, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the wall includes a second tongue, and a second suspension cable includes a third end with a second loop that engages the tongue of claim 3; and the housing supports a plurality of fluorescent lamps of claim 7. Therefore, dependent claims 3, 4 and 7 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kilduff '505 patent in view of U.S. Publication No. 2003/0058640 to McAlpin (the McAlpin '640 publication). Claims 9 -11 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kilduff '505 patent in view of U.S. Patent No. 3,591,798 to Florence (the Florence '798 patent). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kilduff '505 and Florence '798 patents in further view of the McAlpin '640 publication.

Applicants respectfully traverse this rejection, since the Kilduff '505 patent, either alone or in combination with any of the cited secondary references, clearly does not disclose, teach or render obvious the subject matter of independent claims 1 and 11.

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As discussed above, the Kilduff '505 patent does not disclose or suggest a wall integrally formed with a housing and a tongue integrally formed as a one piece extension of the wall engaging a loop of a suspension cable, as recited in independent claims 1 and 11.

The McAlpin '640 publication is cited for allegedly disclosing a housing having first and second end caps.

The Florence '798 patent is cited for allegedly disclosing a parabolic reflector.

As noted above, none of the cited secondary references cure the deficiencies noted above with respect to the Kilduff '505 patent. Independent claims 1 and 11 each recite a wall integrally formed with a housing and a tongue integrally formed as a one piece extension of the wall engaging a loop of a suspension cable. This is not disclosed in the Kilduff '505 patent or in any of the cited secondary references. Therefore, the Kilduff '505 patent, either alone or in combination with the cited secondary references, does not anticipate or render obvious independent claims 1 and 11.

Furthermore, as discussed above, the Kilduff '505 patent is not modifiable to have the reinforcing plate 21 formed integrally with the housing 1. Furthermore, by having the ear 22 of the reinforcing plate receive the suspension cable 23, the force due to the weight of the housing 1 is distributed to the reinforcing plate 21. Col. 4, lines 54 – 62. Forming the reinforcing plate 21 with the housing 1 would destroy this objective of the Kilduff '505 patent. A rejection based upon a modification of a reference that destroys the intent and function of the invention disclosed in the reference is not proper. There is no technological motivation for engaging in such a modification, rather there is a disincentive to modify the Kilduff '505 patent such that the reinforcing plate is integrally formed with the chassis. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Therefore, the Kilduff '505 patent, either alone or in combination with the cited secondary references, does not anticipate or render obvious independent claims 1 and 11.

Claims 6, 8, 9, 10, 14 and 15, being dependent upon claims 1 and 11, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the housing including first and second end caps engaging opposing ends of the wall of the housing of claim 6; a first parabolic reflector coupled within the elongated housing and aligned with the first lamp for directing light in a direction through the opening of the housing, the first parabolic reflector

including a plurality of baffles extending towards the opening of the housing of claim 10; a latch extending from the plug housing beyond the rear end of the plug housing of claims 24 and 40; the wall of the housing including a plurality of elongated slots allowing light from the lamps to shine therethrough away from the opening of the housing of claim 14; and first and second parabolic reflectors are coupled within the elongated housing and aligned with the first and second lamps, respectively, for directing light in a direction through the opening of the housing, and each of the parabolic reflectors includes a plurality of baffles extending towards the opening of the housing of claim 15. Therefore, dependent claims 6, 8, 9, 10, 14 and 15 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claims 20, 21, 23 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kilduff '505 patent in view of U.S. Patent No. 4,613,930 to Ambasz (the Ambasz '930 patent). Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kilduff '505 patent in view of the Ambasz '930 patent and in further view of the Florence '798 patent.

Applicants respectfully traverse this rejection, since the Kilduff '505 patent, either alone or in combination with any of the cited secondary references, clearly does not disclose, teach or render obvious the subject matter of independent claim 20.

Independent claim 20 recites, *inter alia*, inserting a first suspension cable between a wall of the housing of the lighting fixture and one of the first and second end caps and looping a suspension cable around a suspension member formed in a wall of the housing.

The Ambasz '930 patent is cited for allegedly disclosing a support cable attached between end plates and a main part of the housing, as shown in FIG. 1.

The Florence '798 patent is cited for allegedly disclosing a parabolic reflector.

The Kilduff '505 patent has an ear 22 projecting outwardly from the reinforcing plate 21. Modifying the Kilduff '505 patent with the end caps 14B of the Ambasz '930 would require that the ear 22 project outwardly through the housing 1 or through the end cap to receive the suspension cable 23. Thus, the suspension cable 23 could not be inserted between the reinforcing plate 21 and the end cap 14B.

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None of the cited secondary references cure the deficiency noted above with respect to the Kilduff '505 and Ambasz '930 patent. Independent claim 20 recites inserting a first suspension cable between a wall of the housing of the lighting fixture and one of the first and second end caps and looping a suspension cable around a suspension member formed in a wall of the housing. This is not disclosed in the Kilduff '505 patent or in any of the cited secondary references. Therefore, the Kilduff '505 patent, either alone or in combination with the cited secondary references, does not anticipate or render obvious independent claim 20.

Claims 21, 23, 25 and 26, being dependent upon independent claim 20, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the first and second suspension members being tongues of claim 23; and a parabolic reflector is coupled within the housing and aligned with the lamp, respectively, for directing light in a direction through an opening of the housing, and the parabolic reflector includes a plurality of baffles extending towards the opening of the housing of claim 25. Therefore, dependent claims 21, 23, 25 and 26 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Allowable Subject Matter

Applicants appreciate the allowed subject matter of claims 16 – 19 and 27 – 29.

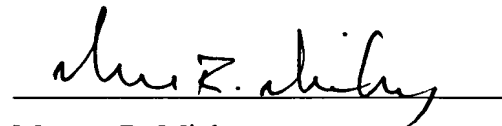
Applicants also appreciate the indicated allowability of objected to claims 5, 13 and 24, which would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

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In view of the foregoing amendments and comments, Applicant respectfully submits that claims 1, 3 – 11, 13 – 21 and 23 - 31 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Marcus R. Mickney", is written over a horizontal line.

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